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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RENE R. OBLITAS,)	Case No.: 2:17-cv-02420-JAD-VCF
)	
Plaintiff,)	Stipulation and Order for the Award of
)	Fees and Expenses
vs.)	
)	
NANCY A. BERRYHILL, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	
)	ECF Nos. 25, 26

TO THE HONORABLE CAM FERENBACH, MAGISTRATE JUDGE OF
THE DISTRICT COURT:

THE PARTIES hereby file this Notice to Vacate Docket No. 25. On
October 31, 2018, Plaintiff filed a petition for EAJA fees (Docket No. 25) because
the Parties were unable to reach a settlement agreement. The Parties had difficulty

1 communicating as Defendant's counsel was on leave due to health issues. The
2 Parties have subsequently agreed to terms of settlement as laid out in this
3 stipulation.

4 IT IS HEREBY STIPULATED by and between the parties through their
5 undersigned counsel, subject to the approval of the Court, that Rene R. Oblitas be
6 awarded attorney fees and expenses in the amount of two thousand six hundred
7 twenty-one dollars and sixty-two cents dollars (\$2,621.62) under the Equal Access
8 to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920.
9 This amount represents compensation for all legal services rendered on behalf of
10 Plaintiff by counsel in connection with this civil action, in accordance with 28
11 U.S.C. §§ 1920; 2412(d).

12 After the Court issues an order for EAJA fees to Rene R. Oblitas, the
13 government will consider the matter of Rene R. Oblitas's assignment of EAJA fees
14 to Cyrus Safa. The retainer agreement containing the assignment is attached as
15 exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to
16 honor the assignment will depend on whether the fees are subject to any offset
17 allowed under the United States Department of the Treasury's Offset Program.
18 After the order for EAJA fees is entered, the government will determine whether
19 they are subject to any offset.

20 Fees shall be made payable to Rene R. Oblitas, but if the Department of the
21 Treasury determines that Rene R. Oblitas does not owe a federal debt, then the
22 government shall cause the payment of fees, expenses and costs to be made
23 directly to Law Offices of Lawrence D. Rohlfsing, pursuant to the assignment
24
25
26

1 executed by Rene R. Oblitas.¹ Any payments made shall be delivered to Cyrus
2 Safa.

3 This stipulation constitutes a compromise settlement of Rene R. Oblitas's
4 request for EAJA attorney fees, and does not constitute an admission of liability on
5 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
6 shall constitute a complete release from, and bar to, any and all claims that Rene R.
7 Oblitas and/or Cyrus Safa including Law Offices of Lawrence D. Rohlfing may
8 have relating to EAJA attorney fees in connection with this action.

9 This award is without prejudice to the rights of Cyrus Safa and/or the Law
10 Offices of Lawrence D. Rohlfing to seek Social Security Act attorney fees under
11 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

12 DATE: December 21, 2018 Respectfully submitted,

13 LAW OFFICES OF LAWRENCE D. ROHLFING

14 /s/ *Cyrus Safa*

15 BY: _____
16 Cyrus Safa
Attorney for plaintiff Rene R. Oblitas

17 DATE: December 21, 2018

18 DAYLE ELIESON
19 United States Attorney


20
21 /s/ *Carolyn B. Chen*

22 _____
CAROLYN B. CHEN
23 Special Assistant United States Attorney
24 Attorneys for Defendant Nancy A. Berryhill,
Acting Commissioner of Social Security
(Per e-mail authorization)

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

ORDER

Based on the parties' stipulation [ECF No. 26] and good cause appearing, IT IS HEREBY ORDERED that the plaintiff is hereby awarded fees and expenses in the amount of \$2,621.62, as authorized by 28 USC § 2412, and no costs authorized by 28 USC § 1920. The pending motion for fees and expenses [ECF No. 25] is DENIED as moot. The Clerk of Court is directed to **CLOSE THIS CASE**.



U.S. District Judge Jennifer A. Dorsey
Dated: December 27, 2018